

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**PEARL IP LICENSING LLC,**

Plaintiff,

v.

**HTC AMERICA, INC.,**

Defendant.

CASE NO. 20-CV-1850

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

Plaintiff Pearl IP Licensing LLC, by and through the undersigned counsel, files this Complaint for patent infringement against Defendant, and in support states, all upon information and belief:

**PARTIES**

1. Plaintiff Pearl IP Licensing LLC (“Pearl IP” or “Plaintiff”) is a limited liability company organized and existing under the laws of the State of Texas and having its registered office at 815 Brazos St, Ste 500, Austin, TX 78701 and an office address at 2108 Dallas Pkwy, Ste 214 - 1042, Plano, TX 750 93-4362.

2. Defendant HTC America, Inc. (“HTC” or “Defendant”) is a corporation organized and existing under the laws of the State of Washington, with a principal place of business at 308 Occidental Avenue South – Suite 300, Seattle, Washington 98104. HTC is registered to do business, and has a registered office, in this State at Cogency Global, Inc., 1780 Barnes Boulevard SW, Tumwater, Washington 98512.

### **JURISDICTION AND VENUE**

3. Defendant conducts business operations within the Western District of Washington. Defendant has directly and/or through subsidiaries or intermediaries committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products that infringe the patent-in-suit.

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d). Defendant is registered to do business in the State of Washington, has an office in the State of Washington, has transacted business in the Western District of Washington and has committed acts of direct infringement in the Western District of Washington.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b). Defendant maintains a regular and established place of business in this District.

**PATENT 6,819,539**

1           6.     U.S. Patent No. 6,819,539, entitled “Method For Circuit Recovery  
2  
3 From Overstress Conditions” (the “539 Patent”) was duly and legally issued on  
4 November 16, 2004. A true and correct copy of the ‘539 Patent is attached as  
5 Exhibit A.  
6

7           7.     The ‘539 Patent disclosed and exemplified a unique and valuable  
8  
9 apparatus for circuit recovery from overstress conditions, comprising circuits for  
10 detecting an event and resetting a device when the event is a first predetermined  
11 type and circuits for providing recovery when the event is a second predetermined  
12 type. (See ‘539 Patent Abstract).  
13

14           8.     Plaintiff is the named assignee of, owns all right, title and interest in,  
15  
16 and has standing to sue and recover all past damages for infringement of the ‘539  
17 Patent.  
18

19                   **COUNT I – INFRINGEMENT OF THE ‘539 PATENT**

20  
21           9.     Plaintiff restates and incorporates by reference the foregoing  
22 allegations.  
23  
24  
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10. In violation of 35 U.S.C. §271, Defendant directly infringed at least claim 8 of the '539 Patent by selling apparatus within the scope of claim 8 of the '539 Patent ("Accused Instrumentality").

11. Attached hereto as Exhibit B, and incorporated herein by reference, is a claim chart detailing the correspondence between one exemplary version of an Accused Instrumentality and claim 8 of the '539 Patent.

12. Defendant has had knowledge of infringement of the '539 Patent at least as of the service of the present Complaint.

13. As a result of Defendant's infringement of the '539 Patent, Plaintiff has suffered damages.

14. Plaintiff is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

15. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention or claim construction purposes by the claim charts that it provides with this Complaint. The claim chart depicted in Exhibit B is intended to satisfy the

notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and  
does not represent Plaintiff's preliminary or final infringement contentions or  
preliminary or final claim construction positions.

### **DEMAND FOR JURY TRIAL**

16. Plaintiff demands a trial by jury of any and all causes of action.

### **PRAYER FOR RELIEF**

Plaintiff Pearl IP respectfully requests that the Court find in its favor and  
against Defendant, and that the Court grant Plaintiff the following relief:

- a. an adjudication that Defendant has infringed the '539 Patent;
- b. an award of damages to be paid by Defendant adequate to compensate  
Plaintiff for Defendant's past infringement of the '539 Patent through its  
expiration, including pre-judgment and post-judgment interest, costs, expenses,  
and an accounting of all infringing acts; and

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c. any and all such further relief at law or in equity that the Court may  
1 deem just and proper, including but not limited to attorneys' fees.

2 DATED this 28<sup>th</sup> day of December, 2020.

3  
4 By: s/ Philip P. Mann  
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16 **Counsel for Plaintiff**  
17 **PEARL IP LICENSING LLC,**